

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 10/10/13	NEED RESPONSE BY:
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: KINGS COUNTY HUMAN SERVICES AGENCY	
3. PHONE NO.:	7. SUBJECT: CalFresh Administrative Overissuances	
4. REGULATION CITE(S):	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 13-79	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

What is meant in the ACL 13-79 when referring to inactive CalFresh households? Scenario #1: An OI is created for 1/2013 for \$100.00, the overpayment collections unit doesn't process the recovery account until 4/2013. When the OI was created for 01/2013 the CalFresh was active. The CalFresh was discontinued 3/31/2013. Would an OI be established since the CalFresh was discontinued prior to the OI being processed?

Scenario #2: The CalFresh is already discontinued when the OI is discovered and the OI is for \$99.00. Would an OI be established?

Scenario #3: A 1/2013 QR7 is turned in timely, but processed late. The customer is over income, the CalFresh is to be discontinued 3/31/13. The OI is for \$100.00, is an OI not established because the CalFresh is going to be discontinued?

10. REQUESTOR'S PROPOSED ANSWER:

Inactive households are households not receiving CalFresh when the OI is discovered, processed or the CalFresh is going to be discontinued due to no timely action by the County.

Scenario #1: The OI wouldn't be established because the CalFresh is not active when the OI was processed.

Scenario #2: The OI wouldn't be established because the CalFresh is not active when the OI was discovered.

Scenario #3: The OI wouldn't be established because the CalFresh will be discontinued.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Scenario #1 - If the CalFresh case was active when the OI was established, the OI would be instituted.

Scenario #2 - MPP 63-801.12 (ACL 13-79) "No claim shall be established if an overissuance occurred as a result of an administrative error which resulted in an overissuance of \$35 (now \$125) or less," therefore, CDSS concurs with county proposed answer.

Scenario #3 - ACL 12-25 (pages 78 & 79) If income exceeding the IRT is reported timely and causes CalFresh benefits to be discontinued but it is too late to provide a 10-day notice of adverse action, the county must release CalFresh benefits for the next month. There is no OI as long as the change was reported timely.

FOR CDSS USE

DATE RECEIVED: October 15, 2013	DATE RESPONDED TO COUNTY/ALJ: November 4, 2013
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